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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 08/896,514 | 06/23/1997 | CONRAD OLIVER GARDNER | 95-004 M | 3272 |

7590
Conrad O. Gardner
Box 1359
Blaine, WA 98231

07/18/2007

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| EXAMINER |
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YEAGLEY, DANIEL S

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| ART UNIT | PAPER NUMBER |
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3611

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| MAIL DATE | DELIVERY MODE |
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07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|------------------------|------------------------|--|
| Response to Rule 312 Communication | Application No. | Applicant(s) | |
| | 08/896,514 | GARDNER, CONRAD OLIVER | |
| | Examiner | Art Unit | |
| | Daniel Yeagley | 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The amendment filed on 18 June 2007 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

See attached sheets.

Response to 312 Amendment

1. The amendment under rule 312 filed 6/18/07 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

Prosecution after a board decision should only be directed to issues at hand and does not entitle applicant the right to submit new claims that would reopen prosecution after a final decision of the Board of Patent Appeals.

Further the proposed amendment does not comply with the requirements of 37 CFR 1.121(c); not all the claims are listed as required and the claims do not have a status identifiers labeled at the left margin of each claim as required by 37 CFR 1,121(c)

Applicant is required to list all the claims in the case from the beginning of prosecution, i.e.; claims 1-61 and must contain a status identifier in front of the claim indicating its present status; such as: (canceled), (original), (previously amended) (amended) or (new), wherein canceled claims may be grouped, and all pending claims must contain a full version of its present text including markings showing any present changes to the claims.

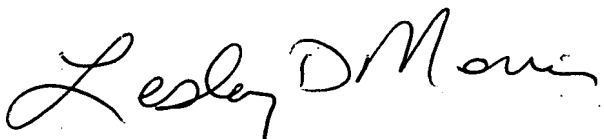
Art Unit: 3611

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D.Y.


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600